

EXTERNAL (for general distribution)

AI Index: MDE 18/10/94

Distr: UA/SC

UA 445/94 Death Penalty

15 December 1994

LEBANON Husam 'Ali al-Naser

Amnesty International is extremely concerned that Husam 'Ali al-Naser, aged 25, is at imminent risk of execution. The organization is calling for this and any other death sentences to be commuted.

Husam 'Ali al-Naser was sentenced to death by a Military Court in November 1993 for the premeditated murder of 'Umar Abu al-Hasan in order to steal his car. This sentence was upheld by the Military Court of Cassation on 13 December 1994. The sentence must be approved by the President before it can be carried out.

On the same day, three others were sentenced to death by the Military Court.

Their sentences were commuted to life imprisonment with hard labour in accordance with the General Amnesty law of 1991.

BACKGROUND INFORMATION

The first executions by the state for 11 years were carried out in April and May. So far, four people have been executed in 1994. In March, the death penalty for murder with intent, and for murder with a political motive, was introduced (it had previously been applied solely in cases of premeditated murder).

Amnesty International has expressed its regret to the Lebanese authorities, and has urged them to review all legislation providing for the death penalty in order to reduce the number of capital offences with a view to abolishing the death penalty.

In a response to Amnesty International in July, the Minister of Justice said that it was "inexact and inadmissible to pretend that Lebanon is committing a human rights violation by providing for the death penalty for certain crimes", stating that "the International Covenant on Civil and Political Rights [ICCPR], Article 6, Paragraph 2, expressly authorizes the death penalty for the most serious crimes".

Amnesty International does not condone violent crimes such as murder and recognizes the responsibility of governments to bring the perpetrators of such crimes to justice. However, it opposes the death penalty in all cases as a violation of the fundamental right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as recognized in the Universal Declaration of Human Rights. There is no reliable evidence that the death penalty helps to prevent other serious harm, for example by deterring crimes. The risk of error is inescapable, yet the penalty is irrevocable. No measure that may be devised can ever make it less inhumane.

While the ICCPR does not expressly forbid the use of the death penalty, Article 6 affirms that "every human being has the inherent right to life". In 1977, the United Nations (UN) General Assembly reaffirmed that "...the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment".

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail

letters either in Arabic, French, English or in your own language:

- urging that the death sentences of Husam 'Ali al-Naser be commuted, as well as any other current or future death sentences;
- urging that all legislation providing for the death penalty be reviewed, drawing attention to world trends to abolish or reduce the death penalty, in accordance with Article 6 of the ICCPR, to which Lebanon is a state party;
- urging the Lebanese authorities to consider signing the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty.

APPEALS TO:

1. President Elias Hrawi

Presidential Palace

Ba'abda

Lebanon

Telegrams: President Hrawi, Beirut, Lebanon

Telexes: 21000

Faxes: +961-1-425-393

Salutation: His Excellency

2. Prime Minister Rafik Hariri

Office of the Prime Minister

Beirut

Lebanon

Telegrams: Prime Minister Hariri, Beirut, Lebanon

Salutation: His Excellency

3. Minister of Defence Mohsen Dalloul

Ministry of Defence

Yarzeh, Beirut

Lebanon

Telegrams: Defence Minister Dalloul, Beirut, Lebanon

Telexes: 20901

Salutation: His Excellency

4. Minister of Justice Bahij Tabbareh

Rue Sami Solh

Beirut

Lebanon

Telegrams: Justice Minister Tabbara, Beirut, Lebanon

Salutation: His Excellency

COPIES OF YOUR APPEALS TO:

Nabih Berri

Speaker

National Assembly

Beirut

Lebanon

and to diplomatic representatives of Lebanon accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 26 January 1995.